

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

26286

FILE: B-212772**DATE:** September 23, 1983**MATTER OF:** Ordnance Materials, Inc.**DIGEST:**

GAO will not consider disagreement with amount of excess reprocurement cost assessment in contracting officer's decision, since Contract Disputes Act of 1978 requires that appeal from adverse contracting officer decision be to either contracting agency board of contract appeals or United States Claims Court.

Ordnance Materials, Inc., disagrees with the \$9,498.18 amount the decision of the contracting officer assessed for excess costs as a result of the termination for default of contract No. DAAE07-81-C-0037 and the subsequent reprocurement.

The Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (Supp. IV, 1980), requires that all claims relating to a contract be filed with the contracting officer for a decision and permits subsequent appeal of an adverse contracting officer decision to either the contracting agency board of contract appeals or to the United States Court of Claims (now the United States Claims Court, Pub. L. No. 97-164, 96 Stat. 25). Nationwide Building Maintenance, Inc., B-207333.2, December 2, 1982, 82-2 CPD 522. Consequently, we do not consider arguments concerning the extent of the liability of a defaulted contractor for the excess cost of reprocurement. See Introl Corporation, B-210321, June 1, 1983, 83-1 CPD 591; Braceland Brothers, Inc., B-193916, February 16, 1979, 79-1 CPD 120.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

026699